

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X	:	
STRIKE 3 HOLDINGS, LLC,	:	
	:	Case No. 1:23-cv-06355-FB-TAM
Plaintiff,	:	
	:	
vs.	:	
	:	
JOHN DOE subscriber assigned IP address	:	
68.175.8.63,	:	
	:	
Defendant.	:	
-----X	:	

**MOTION FOR LEAVE TO SERVE A THIRD PARTY
SUBPOENA PRIOR TO A RULE 26(f) CONFERENCE**

Pursuant to Fed. R. Civ. P. 26(d)(1), and upon the attached: (1) Memorandum of Points and Authorities in support of this motion; (2) Declaration of David Williamson in support of this motion; (3) Declaration of Patrick Paige in support of this motion; and (4) Declaration of Susan B. Stalzer in support of this motion, Strike 3 Holdings, LLC (“Plaintiff”), respectfully moves for entry of an order granting it leave to serve a third party subpoena on Spectrum, prior to a Rule 26(f) conference (the “Motion”). A proposed order is attached for the Court’s convenience.

Dated: 08/30/2023

Respectfully submitted,

By: /s/ John C. Atkin
John C. Atkin, Esq.
JAtkin@atkinfirm.com
400 Rella Boulevard, Suite 165
Suffern, NY 10901
Tel.: (973) 314-8010
Fax: (833) 693-1201
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. Since Defendant's identity is unknown, I was unable to send a copy of the foregoing documents to Defendant or Defendant's counsel at this time.

By: /s/ John C. Atkin